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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ZERR, JOHN W

ART UNIT PAPER NUMBER

3644

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/630,109

Applicant(s)

ALEXANDER ET AL.

Examiner

John W. Zerr

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4,15,16 and 19-22 is/are allowed.
- 6) ☒ Claim(s) 5-8,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 17 refers to the limitation of a bolt indefinitely. Claim 17 is dependent upon Claim 1, which already contains a limitation stating the pneumatic paintball gun contains a bolt. It is unclear whether the limitation of a bolt made in Claim 17 is referencing the bolt previously claimed in Claim 1 or is claiming a structure that includes two bolts. Correction is required (see MPEP 2173.05(o)). For the purposes of this examination Claim 17 will be considered as claiming only one bolt.
4. Claim 18 refers to the limitations of a first pressure regulator providing air at a first predetermined pressure and a second pressure regulator receiving air at the first predetermined and providing air at a second predetermined pressure indefinitely. Claim 18 is dependent upon Claim 1, which already contains limitations to a source of gas at a first pressure and a pressure regulator receiving gas at the first pressure and providing gas at a second pressure. It is unclear whether the limitations of Claim 18 are meant to further define the limitations of Claim 1 or are limitations describing a second system of pressure regulation in addition to the system claimed in Claim 1. Correction is required (see MPEP 2173.05(o)). For the purposes of this examination Claim 18 will be considered as further defining the pressure regulator of Claim 1.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenwell (USPT 5,462,042). Greenwell discloses a semiautomatic paintball gun that comprises a source of compressed gas (22), a gun body (12) having a bore (36) with an external opening. A pneumatic assembly is in fluid communication with the source (22). The pneumatic assembly includes a first member (78) slidably coupled to a second member (124). The pneumatic assembly is located in the bore (36). A third member (106) is threadably coupled to the bore (36) and covers the opening. The third member (106) is externally accessible and repeatedly removable. Removal of the third member (106) permits the pneumatic assembly to be removed from the bore (36). The first member (78) and the second member (124) are retained together after removal from the bore (36). The first member (78) of the pneumatic assembly is a pneumatic hammer (see Figures 1 & 2, column 2 line 58-column 4 line 56, and column 6 lines 34-57).

7. Claims 5, 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Perry (USPT 6,349,711, previously cited). Perry discloses a low pressure electrically operated pneumatic paintball gun comprising a source of compressed gas and a gun body (11) having a bore (not numbered, see Figure 2) with an external opening. A pneumatic assembly (50) is in fluid communication with the source and comprises a first member (56) slidably coupled to a second member (52). The pneumatic assembly is located within the bore. A third member (not numbered, the cap element can be seen above ref. 22 in Figure 2) is coupled to the bore and covers the opening. The third member is externally accessible and repeatedly removable.

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Removal of the third member permits the pneumatic assembly (50) to be removed from the bore. The first member (56) and the second member (52) are retained together after removal from the bore. The pneumatic assembly includes a pneumatic hammer (54). The pneumatic assembly (50) is a cartridge valve (see Figure 2 and column 2 line 63-column 3 line 54).

Response to Arguments

8. Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection. Claim 5 is rejected based upon Greenwell reference, which is newly applied. Claim 5 has also been rejected based upon Perry reference, which was previously applied, however the rejection has been rewritten to more accurately point out the features disclosed in the Perry reference that anticipate the limitations of Applicant's claim.

Allowable Subject Matter

9. Claims 1, 3, 4, 15, 16 and 19-22 are allowed.

10. Claims 17 and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

11. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morin (USPT 5,890,479) discloses a trigger assist system comprising a pressure regulator and a pneumatic assembly comprising a pneumatic ram.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John W. Zerr whose telephone number is (703) 306-0153. The examiner can normally be reached on M-Th. 8:00am-5:30pm, F 8:00am-4:30pm, alt. F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ^{Mike Carone} ~~Charles T. Jordan~~ can be reached on (703) 306-⁴¹⁹⁸ ~~4159~~. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWZ
6/3/04


MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER